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6 Attorneys for defendants, CHEPSTOW
7 SHIPPING CO. LTD.,
8 AS OWNERS OF AND CLAIMANT TO
THE M/V SEA CRISTOBAL and the vessel
M/V SEA CRISTOBAL *in rem*

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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DELTAK, L.L.C., a limited liability) Case No.: C-04-1494 MMC EDL

Company;)
Plaintiff,)
v.)
INDUSTRIAL MARITIME CARRIERS)
WORLDWIDE, a limited liability)
corporation, *in personam*; CHEPSTOW)
SHIPPING CO. LTD., a foreign)
corporation, *in personam*; CEC)
SHIPMANAGEMENT, an entity of)
unknown form, *in personam*; and M.V.)
SEA CRISTOBAL, a.k.a. M.V. CEC)
CRISTOBAL, her machinery, tackle, and)
engines, etc., *in rem*;)
Defendants.)

Case No.: C-04-1494 MMC EDL
**STIPULATION AND
PROPOSED ORDER
PERMITTING PARTY
REPRESENTATIVES TO
ATTEND MEDIATION BY
TELEPHONE**

E-Filing

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NEPIA SEA CRISTOBAL/
2138

1 WHEREAS: The party representatives for plaintiff and its underwriters are located
2 in Minneapolis, Minnesota, Jacksonville, Florida, and New York, New York; the party
3 representatives for defendants Chepstow Shipping Co. Ltd. and the M/V SEA CRISTOBAL
4 are located in Newcastle Upon Tyne, England and Copenhagen, Denmark; and the party
5 representative for defendant International Maritime Carriers Worldwide, LLC is located in
6 New Orleans, Louisiana; and

7 WHEREAS: The parties have already engaged in substantive pre-mediation
8 settlement discussions and have narrowed the claim amount to approximately \$541,000
9 down from an original claim potentially exceeding \$12 million; and

10 WHEREAS: The parties are continuing their pre-mediation settlement discussions
11 and expect to further narrow their differences and possibly even reach a settlement before
12 the mediation; and

13 WHEREAS: Some of the party representatives are unavailable to travel in June but
14 the parties nonetheless wish to proceed with the mediation with a strong likelihood of
15 settlement; and

16 WHEREAS: the cost of travel for the parties from the distant locations involved
17 would be prohibitive; and

18 WHEREAS: The attorneys for each of the parties and the assigned mediator are long
19 time colleagues among whom many cases have been settled without the need for party
20 representative attendance:

21 IT IS HEREBY STIPULATED, by and between the parties through their respective
22 counsel of record, that all party representatives with settlement authority may attend the
23 mediation scheduled for June 17, 2005 by telephone standby provided that they are actually
24 and reasonably available throughout the course of the mediation. Each party will include in
25 its mediation brief or correspondence to the mediator the contact phone numbers for each
26 representative attending by telephone. Each party representative will have full settlement
27 authority .

28 IT IS SO STIPULATED

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1
2 Dated: May 25, 2005

3 COX, WOOTTON, GRIFFIN,
4 HANSEN & POULOS, LLP
5 Attorneys for defendants, ██████████
6 ██████████, CHEPSTOW
7 SHIPPING CO. LTD., AS OWNERS OF
8 AND CLAIMANT TO THE M/V SEA
9 CRISTOBAL and the vessel M/V SEA
10 CRISTOBAL *in rem*

11 By _____
12 Gregory W. Poules
13 Lynn L. Krieger

14 Dated: May 25, 2005

15 GIBSON ROBB & LINDH
16 Attorneys for plaintiff, DELTAK, L.L.C.

17 By _____
18 Joshua E. Kirsch

19 Dated: May 25, 2005

20 EMARD, DANOFF, PORT & TAMULSKI,
21 LLP
22 Attorneys for defendant INTERNATIONAL
23 MARTIME CARRIERS WORLDWIDE, LLC

24 By _____
25 James Tamulski

26 ORDER

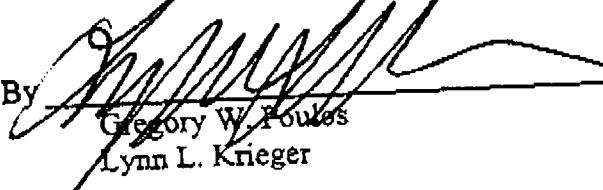
27 The Court having considered the above stipulation of the parties, and finding good
28 cause exists to excuse the personal attendance of the party representatives from the
mediation now scheduled for June 17, 2005, the Court hereby ORDERS that the party
representatives with full settlement authority may attend the mediation by telephone
provided that they are actually and reasonably available throughout the course of the
mediation. Each party is to provide the contact telephone numbers for its representative(s)

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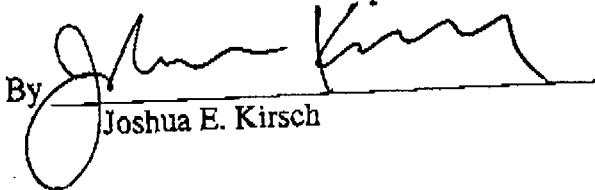
1
2 Dated: May 25, 2005

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HANSEN & POULOS, LLP
Attorneys for defendants,
~~SEAFARERS INTERNATIONAL CHEPSTOW~~
SHIPPING CO. LTD., AS OWNERS OF
AND CLAIMANT TO THE M/V SEA
CRISTOBAL and the vessel M/V SEA
CRISTOBAL *in rem*

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7 By 
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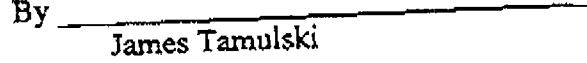
10 Dated: May 25, 2005

GIBSON ROBB & LINDH
Attorneys for plaintiff, DELTAK, L.L.C.

11 By 
12 Joshua E. Kirsch

13 Dated: May 25, 2005

14 EMARD, DANOFF, PORT & TAMULSKI,
15 LLP
16 Attorneys for defendant INTERNATIONAL
17 MARTIME CARRIERS WORLDWIDE, LLC

18 By 
19 James Tamulski

20 ORDER

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1 to the mediator in advance of the mediation.

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3 IT IS SO ORDERED.
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5 DATED: 5/31/05

6 /s/ Wayne D. Brazil

7 

8 Hon. Wayne D. Brazil
9 ADR Magistrate Judge

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